

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:  
TRI-STATE PAIN INSTITUTE, LLC, : Case No. 20-10049-TPA  
*Debtor* :  
: Chapter 11  
:

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IN RE:  
JOSEPH MARTIN THOMAS, : Case No. 20-10334-TPA  
*Debtor* :  
: Chapter 11  
:

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IN RE:  
2374 VILLAGE COMMON DRIVE, LLC, : Case No. 21-10118-TPA  
*Debtor* :  
: Chapter 11  
:

***Order***

As the Parties are well aware, for some time now the Court has been concerned about the slow progress toward an overall resolution in these cases, particularly as regards the relationship between the Debtors and their principal secured creditor, Wells Fargo Bank National Association (“Wells Fargo”). The Court had some hope that the sale of the commercial property at 2374 Village Common Drive, would both significantly pay down the Wells Fargo debt and provide some clarification as to the secured/unsecured status of the remaining debt. While the sale did result in a significant paydown, unfortunately it does not appear to have provided much help going forward with the status of the remainder of the debt, as was made apparent at a recent informal discussion between the Court and Counsel for the various Parties. For example, Counsel for Wells Fargo

mentioned the possibility of seeking attorney fees as an oversecured creditor but it is not clear whether the Debtors agree that Wells Fargo holds such status, and further unclear whether such attorney fees would be warranted even if Wells Fargo is oversecured.

In order to move the cases along, and as an aid for the Court in determining whether the cases, or at least some of them, would benefit from a referral to mediation or the appointment of a trustee, it is imperative that the status of Wells Fargo as to its remaining debt is addressed. To that end, the Court will give the Parties 3 weeks to discuss the matter among themselves and see if they can come to an agreement which can be submitted to the Court in the form of a stipulation and proposed order.

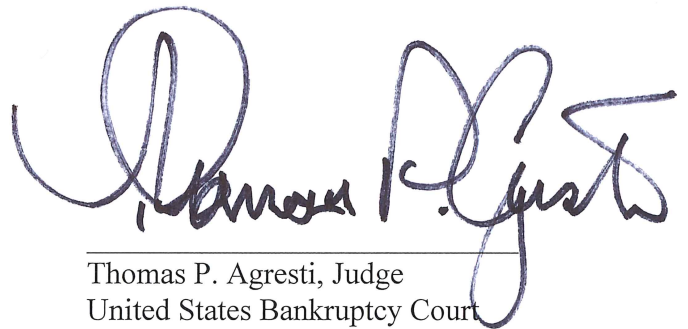
Failing that, the Court intends to quickly convene a status conference in Erie at which Counsel and representatives of the Debtor and of Wells Fargo , with full and complete settlement authority, will be directed to personally appear. Such status conference order will also include a direction for Attorney Kirk Burkley to personally appear because, although he has not entered an appearance in the case for Wells Fargo, it has been reported to the Court that he exercises background oversight and authority in the matter.

AND NOW, this 30<sup>th</sup> day of *June, 2021*, for the reasons stated above, it is ***ORDERED, ADJUDGED*** and ***DECREED*** that,

(1) The Parties shall confer in good faith for the purposes of reaching an agreement as to the secured status of Wells Fargo following the sale of the 2374 Village Common Drive property and the extent and value of the remaining Debtor assets in which Wells Fargo holds a valid security interest.

(2) *On or before July 21, 2021* the Parties shall file a report indicating whether they have been successful in reaching an agreement, including a stipulation and proposed order to the extent they have been successful.

(3) If the Parties are not successful in reaching a meaningful agreement by the stated deadline the Court intends to issue a further order shortly thereafter scheduling a status conference as described above.



Thomas P. Agresti, Judge  
United States Bankruptcy Court

Case administrator to serve:

Gary Skiba, Esq.  
Michael Kruszewski, Esq.  
Guy Fustine, Esq.  
Gaey Eiben, Esq.  
Salene Mazur Kraemer, Esq.  
HarryGreenfield, Esq.  
Kirk Burkley, Esq.  
Norma Hildenbrand, Esq.

In re:  
Joseph Martin Thomas  
Debtor

Case No. 20-10334-TPA  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0315-1  
Date Rcvd: Jun 30, 2021

User: culy  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol	Definition
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+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 02, 2021:

Recip ID	Recipient Name and Address
sp	+ Gary Eiben, MacDonald Illig Jones & Britton, LLP, 100 State St., Ste. 700, Erie, PA 16507-1459
	+ Harry Greenfield, Esq., Bernstein-Burkley, Fifth Third Center, Suite 1300, 600 Superior Avenue East, Cleveland, OH 44114-2614

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
	+ Email/Text: kburkley@bernsteinlaw.com	Jun 30 2021 23:45:00	Kirk Burkley, Esq., Bernstein-Burkley, P.C., 2200 Gulf Tower, 707 Grant St., Pittsburgh, PA 15219-1945

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 02, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 30, 2021 at the address(es) listed below:

Name	Email Address
Andrew F Gornall	on behalf of Interested Party Barbara Noonan agornall@gornall-law.com
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
Crystal H. Thornton-Illar	on behalf of Creditor The Kada Gallery cThornton-Illar@leehtishman.com bankruptcy@leehtishman.com;mproden@leehtishman.com;thornton-illarc81012@notify.bestcase.com

District/off: 0315-1

User: culy

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Date Rcvd: Jun 30, 2021

Form ID: pdf900

Total Noticed: 3

Gary V. Skiba

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Guy C. Fustine

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knoxbank@hotmail.com,burban@kmgslaw.com,amulryan@kmgslaw.com

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Jill Locnikar

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Norma Hildenbrand, on Behalf of the United States Trustee by

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TOTAL: 21